



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



POLICY NUMBER	
OPR:18	
EFFECTIVE DATE: 07/01/2010	ORIGINAL ISSUED ON: 03/29/1996
REVISION NO:  1	

**SUBJECT: CRASH RECONSTRUCTION**

## **1.0 PURPOSE**

The purpose of this policy is to establish administrative guidelines for processing requests for crash reconstruction.

## **2.0 POLICY**

It is the policy of the Department of Public Safety to maintain a team of officers who are qualified to reconstruct traffic crashes and offer expert opinions in crash reconstruction. This will aid in establishing facts about the cause of traffic crashes that are likely to result in felony criminal prosecutions. It is also the intent of this policy to accomplish this in a manner which efficiently maintains and utilizes the specialized skills of those officers assigned as crash reconstructionists.

## **3.0 APPLICABILITY**

This policy applies to all commissioned officers of the Department of Public Safety.

## **4.0 REFERENCES**

- A. CALEA Ch. 61 - Traffic**
- B. New Mexico Criminal and Traffic Law Manual**

## **5.0 DEFINITIONS**

- A. Crash Re-Constructionist** – A commissioned officer, assigned to the New Mexico Department of Public Safety (NMDPS) Crash Reconstruction Team, who has been certified in crash reconstruction through the Traffic Institute of Northwestern University or another comparable educational institution.
- B. Crash Reconstruction Team Commander** – An officer within the Department of Public Safety, or an individual officially designated by the Chief.
- C. CRT** – Crash Reconstruction Team.
- D. Requesting Party** – A person of executive rank within the New Mexico Department of Public Safety or the District Attorney, or his/her designee, in the judicial district prosecuting the case that will result from the crash to be reconstructed.

## **6.0 PROCEDURE**

The New Mexico Department of Public Safety (NMDPS) Crash Reconstruction Team (CRT) will be utilized to reconstruct traffic crashes and offer expert opinions in crash reconstruction. The NMDPS CRT will be available to reconstruct crashes for DPS and other police agencies within the state. The CRT will conduct crash reconstructions dealing with fleet crashes, crashes involving other law enforcement agencies, major fatality crashes, crashes involving school buses, heavy vehicle crashes, rail (train) crashes, and crashes involving pedestrians or motorcycles. The CRT commander will report to the NMDPS Special Operations Bureau Commander.

**A. Requests for Reconstruction of a Crash**

Requests for the reconstruction of a traffic crash will be initiated in written form by the requesting party.

1. Request as Assignment – The request may originate within the district by the District Commander assigning a team member to reconstruct a particular crash, for example, a fleet safety crash; a crash involving another law enforcement agency; a major fatality crash, or injury crash involving a school bus, a pedestrian, a motorcycle or a train. A copy of the assignment orders will be provided by fax to the CRT Commander; a second CRT member will be assigned at the discretion of the team commander, considering the following:
  - a. The nature of the crash and the likelihood of subsequent criminal or civil proceedings.
  - b. Budgetary constraints.
  - c. The effective utilization of other team members to maintain proficiency in advanced reconstruction skills.
2. Request from District Attorney's Office – A District Attorney may initiate a request because of the prosecution of a criminal charge (or the consideration of a prosecution) as the result of a traffic crash.
  - a. The request should be forwarded to the CRT Commander.
  - b. If the District Attorney's request is made to the applicable District Commander, the CRT Commander will be notified.

**B. Assignment of Crash Re-Constructionists**

1. It is the policy of DPS to assign two (2) crash re-constructionists to work as a team for the purpose of reconstructing major crashes in cases where a criminal prosecution is being contemplated.
2. Upon notification of a request, the CRT Commander, in consultation with the District Commander, will assign one re-constructionist from within the district, if available. The second re-constructionist (or both, if one is not available within the district) will be assigned by the CRT Commander, who will take into consideration the factors described in A. 1 above.

**C. Responsibility of Assigned CRT member(s)**

The assigned CRT member(s) will:


1. Complete the on-site and physical evidence examinations.
2. Notify the CRT Commander when the assignment is completed or provide justification for the particular circumstances that will necessitate additional time to complete the assignment.
3. Produce a reconstruction report within the assigned time period.
4. Forward a copy of the report, in draft form, for review by the CRT Commander (or his/her designee) prior to the final report being distributed to the requesting party.
5. When finalized, the reconstruction report will be distributed as follows:
  - a. Original will be sent to the requesting agency.

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- b. A copy will be retained by the crash re-constructionist.
  - c. A copy will go to the CRT Commander.
6. For tracking and administrative purposes, if a team member is called to testify as an expert witness in a case in which he/she was assigned to conduct a crash reconstruction, the CRT Commander will be provided a copy of the subpoena and notified of the final disposition of the case.
  7. Members of the CRT shall not take assignments on their own to conduct a reconstruction for a private or third party entity, or testify as an expert witness in a case, either criminal or civil, for which they have not been officially assigned to produce a crash reconstruction report.
  8. Witness fees, which may be payable to a member of the CRT, for expert witness testimony in a civil proceeding, subsequent to a criminal case for which the reconstruction was produced, will be handled in compliance with *ADM:12 Jury/Witness Fees*.
  9. All members of the CRT will consider potential conflicts of interest, which may arise in reconstruction assignments. Such conflicts or potential conflicts will be brought to the attention of the CRT Commander for resolution.
  10. Crash re-constructionists shall meet the following proficiency standards to remain current in the field of crash reconstruction within the Department of Public Safety.
    - 1. Crash re-constructionists shall complete and submit six (6) crash reconstruction reports annually as the lead re-constructionist. The reports shall be submitted for review to the CRT Commander utilizing the criteria outlined in 6.0 A. 1.
    - 2. Crash re-constructionists shall complete twenty-four (24) hours of crash reconstruction training every two years.

Proficiency  
standards  
added.



### 7.0 ATTACHMENTS

NONE

### 8.0 APPROVAL

APPROVED BY: s/John Denko  
DPS Cabinet Secretary

DATE: July 1, 2010